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9 *Counsel for Plaintiff*

10 *Betty's Best, Inc.*

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA**

13 BETTY'S BEST, INC.,

14 Plaintiff,

15 v.

16 THE FACEBOOK ADVERTISERS
17 LISTED ON SCHEDULE A,

18 Defendants.
19

CASE NO.: 3:2023-cv-04716

PLAINTIFF'S STATUS REPORT

20
21 Plaintiff Betty's Best, Inc. ("Plaintiff"), by and through its undersigned counsel,
22 hereby submits this Status Report, pursuant to the Court order dated January 3, 2025
23 (DE 101) ("Plaintiff is ordered to provide a written update on the status of this case,
24 including the status of each remaining defendant, on or before January 30, 2025.").

25
26 The Court's order entered at DE 71 granted a motion to stay made by 85
27 Defendants—who the Court called "Certain Defendants"—because the Certain
28

1 Defendants claimed that this action was duplicative of the Florida Action *Betty's Best,*
2 *Inc. v. The Individuals, et. al.*, Case No. 1:23-cv-22322 (June 22, 2023, S.D. Fla.), or
3
4 this action was not the first filed action, or this action was barred by the anti-claim
5 splitting doctrine. The Court's Order reads that "Certain Defendants' motion to stay
6
7 the case **in its entirety** is GRANTED pending resolution of the Florida Action as to
8
9 Certain Defendants."

10 Plaintiff reports to this Court that the Florida Action has been concluded as to
11 the defendants in the Florida Action that are referred to as Certain Defendants in this
12 action. The Certain Defendants were dismissed from the Florida Action on October
13
14 11, 2024, and subsequently dismissed from the instant action on October 23, 2024
15 (DE 100). Another set of defendants in this action were recently identified as being
16
17 the same as, connected to, or belonging to Certain Defendants, and Plaintiff dismissed
18 those defendants on January 29, 2025 (DE 103). Default judgment was entered on
19
20 August 5, 2024 against any remaining defendants in the Florida Action.

21 In addition to the Florida Action, Plaintiff filed a lawsuit in the Northern
22 District of Illinois against defendants for violations of Plaintiff's intellectual property,
23
24 *Betty's Best, Inc. v. The Individuals, et. al.*, Case No. 1:24-cv-07884 (August 26,
25 2024, N.D. Ill.) (the "Illinois Case"). Default judgment was entered on December 18,
26
27 2024 at ECF 87. Some of the defendants in that case have identified defendants in this
28
action that pertain to them, and that have not yet been dismissed.

1 As of today's date, there are 537 remaining defendants in this action, listed on
2 Exhibit 1 attached hereto. Of these remaining defendants:

- 3
- 4 a. Plaintiff has reached a settlement in principle with one defendant ("Wbdz
5 Discount," Doe No. 2454) and anticipates filing a Notice of Settlement
6 shortly; and
7
- 8 b. Plaintiff is currently in negotiations with 37 defendants who are non-
9 defaulting defendants in the Illinois Case.
10

11 Plaintiff will dismiss the aforementioned 38 defendants once resolution is
12 concluded.
13

14 Plaintiff is currently evaluating how to proceed with its remaining claims in this
15 case. Plaintiff believes that this Court's order at ECF 71 staying this case "in its
16 entirety" limits the plaintiff's ability to pursue further action against the remaining
17 defendants. This may be academic for plaintiff since plaintiff is considering whether
18 to request dismissal of this action instead. Plaintiff is currently considering these
19 issues and plans to make a determination before the end of March 2025.
20
21

22
23 DATED: January 29, 2025

24 /s/ Joel B. Rothman

25 JOEL B. ROTHMAN (pro hac vice)

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